

DRAFT
Technical Issues Committee (TIC)
Meeting Notes
14 February 2006

Attendees:

Dan Odenweller, Central Valley Water Board
Dr. Karl Longley, Central Valley Water Board
Bill Croyle, Central Valley Regional Water Quality Control Board
Bill McKinney, East San Joaquin Water Quality Coalition
Bill Thomas, Southern San Joaquin Water Quality Coalition
Carrie McNeil, DMV - Delta Keeper
Claus Suverkropp, Larry Walker and Associates
Dan Waligora, Department of Fish and Game
Dana Thomsen, Central Valley Regional Water Quality Control Board
Dania Huggins, Central Valley Regional Water Quality Control Board
Dave Ceppos, Center for Collaborative Policy (CCP)
Devra Lewis, Central Valley Regional Water Quality Control Board
Elaine Archibald, Archibald Consultants
Joe McGahan, Westside SJR Watershed Coalition
John Swanson, Central Valley Regional Water Quality Control Board
Leticia Valadez, Central Valley Regional Water Quality Control Board
Margie Lopez Read, Central Valley Regional Water Quality Control Board
Melissa Morris, Central Valley Regional Water Quality Control Board
Mike Johnson, UC Davis
Matt Reeve, CA. Department of Food and Agriculture
Sandy Nurse, Sierra Foothill Laboratory
Stephen Clark, Pacific EcoRisk
Tina Lunt, Northern California Water Association
Jay Rowan, Central Valley Regional Water Quality Control Board

Action Items

1. Water Board Staff will organize a presentation about the Bioassessment project in Central Valley agricultural lands.
2. The proposed Critical Path and associated narrative will be revised and redistributed to the TIC based on feedback from the group.
3. Water Board Staff and CCP will prepare the agenda for the next TIC meeting and will ensure time early in the schedule for a follow up review and comment discussion about the "Track Changes" Tentative MRP.
4. CCP will provide recommendations to staff about comment tracking protocols / methods to enhance readability of subsequent MRP recommendations / revisions from the TIC and staff.

5. Based on results from the first Policy Work Group (PWG) meeting on 2-15-06, an expedited report will be provided to the TIC regarding setting criteria for the review and selection of water quality objectives. Based on this pending report, the TIC may determine next steps on this topic.
6. Under Task 3 of the Critical Path, Water Board Staff commit to raise policy concerns of all upcoming recommendations from the TIC, when possible, throughout the process. This will be done in order to increase the potential that recommendations will be assessed by the TIC in a timely manner.
7. CCP will prepare and distribute a proposed decision-making protocol for the TIC's consideration at the March meeting.
8. Recognizing that the decision milestone for Follow-Up Sampling for toxicity between 0 and 20% (see item III B below) was not agendaized and previously communicated as taking place during the 2-14-06 meeting, the tentative recommendation (see next item) will be revisited with the TIC at the March meeting. The goal is to get final comments on the recommendation and to ratify a version of it by consensus.
9. Related to items 7 and 8 above, Stephen Clark will prepare in memorandum format, a "problem statement" contextualizing the issue about Follow-Up Sampling and including the tentative recommendation as well. This memo will be provided to all TIC participants prior to the March TIC meeting.
10. Staff and the TIC will further discuss the term "source" in a future meeting to ensure that there is shared meaning on the term and that there is clarity on its use in the Ag Waiver process.

I. Opening Remarks and Announcements:

Dave Ceppos from CCP gave a brief introduction of his role as facilitator during the meeting as well as an overview of the meeting agenda.

SALINITY WORKSHOP: Dr. Karl Longley provided a summary of the Joint Board Workshop on Salinity held at the CalEPA Building on 31 January 2006. More detailed information regarding the Workshop and the staff report is available on the SWRCB web site at <http://www.waterboards.ca.gov/salinity/index.html>

Margie Lopez Read reminded the TIC of the bioassessment grant that had been proposed by Dept. of Fish and Game to assist in the development of biocriteria in Central Valley agricultural lands. It was requested that a short presentation be provided regarding the details of the study, including reference sites and collaboration with Coalitions associated with the Irrigated Lands Conditional Waiver program.

There was a request at the 24 January 2006 meeting for a copy of the Coalition Group Tentative MRP that would be marked up to indicate that changes made from the MRP Order No. 2005-0833 that was approved in August. Margie Lopez Read announced that a marked-up version of the MRP was produced by the Policy Unit of the Program and was available as a handout for the meeting.

II. Critical Path for MRP Recommendations

Margie Lopez Read introduced the TIC MRP Critical Path and provided a description of the five tasks listed in the Critical Path. The TIC members generally agreed to the schedule provided in the Critical Path with some modifications (see attached final Critical Path). The descriptions of the Tasks were also modified as follows:

Task 1. Focus Group Discussions about MRP Options

The appropriate Focus Groups will meet and develop recommendations regarding the topics of concern. Recommended language to utilize in the Tentative TIC MRP will be drafted. Where there is lack of agreement, language for the 'options' will be developed.

Task 2. TIC Discussion/Recommendation Process

The Focus Groups will bring their recommendations developed in Task 1, to the TIC general meeting. There will be some discussion regarding the recommendations, and the topic will be posted for a decision at the subsequent TIC meeting. (All TIC decisions regarding recommendations are subject to approval by the Central Valley Water Board).

Task 3. Staff Preparation of 'Tentative TIC MRP'

Water Board staff that facilitate the TIC Focus Groups will summarize all of the recommendations that have been made by the TIC, and indicate where they might be incorporated into a finalized MRP if they meet the approval of the Central Valley Water Board staff. The purpose of this step is to ensure that the recommendations are adequately understood by Water Board Staff, and that all sections of the MRP that deal with that topic(s) are edited accordingly. Similarly, Water Board staff will advise TIC Focus Group members regarding feasibility of a suggested recommendation and will advise and report on any anticipated difficulties. Difficulties could include but not be limited to problems associated with policy, requirements of Porter-Cologne, or other issues that might make the recommendation infeasible

Task 4. TIC Review and Final Comments (Response) to 'TIC MRP'

The 'Tentative TIC MRP' developed out of Task 3 will be provided to the TIC for confirmation that it represents the concepts envisioned by the TIC.

Task 5. RWQCB Policy Unit Review of TIC Recommendations

Central Valley Water Board staff will take all of the recommendations from the TIC, and ensure that they are 1) protective of water quality, 2) are not in violation

of requirements in Porter-Cologne, and 3) can be included in a Tentative MRP for Executive Officer approval.

Task 6. Preparation of Minority Report(s) if agreement on recommendations is achieved. (Procedures to be developed)

III. Triggers Focus Group Discussion

A. Recommendation for Resampling at 20% toxicity.

Stephen Clark presented the recommendation that had been developed by the Toxicity Trigger Focus Group for follow-up re-sampling when a sample indicates significant toxicity as compared to the laboratory control. Currently, re-sampling is required with any difference from laboratory control – even as low as one percent. The Focus Group had researched technical approaches to answering the question regarding appropriate minimum triggers for resampling. Regrettably, there was an absence of technical studies or information that would provide this guidance, and the Focus Group had to rely on the approach used by other programs. In this case, the SWAMP monitoring program utilizes a trigger of 20% mortality or reduced growth and that was the recommendation that the Triggers Focus Group decided to recommend. This recommendation was summarized for the TIC as follows:

“A significant reduction in organism response and less than 20% reduction compared to the control will not require follow-up sampling, (consistent with the approach applied by SWAMP monitoring efforts). Greater than or equal to a 20% reduction in organism response compared to the control for a statistically significant test will require follow up sampling.”

TIC members present agreed to adopt this recommendation and there was no dissent among the members. The recommendation was also summarized in a diagram, as follows:

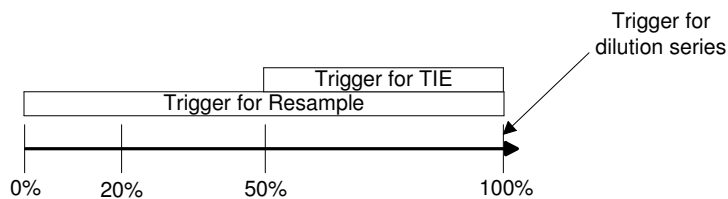


Figure 1a. Toxicity resample requirement under the current tentative MRP

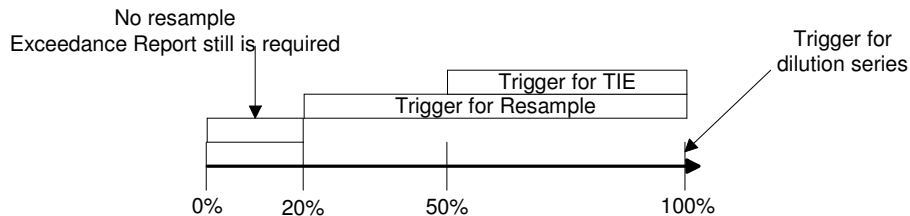


Figure 1b. Toxicity resample recommendation by the toxicity trigger focus group

It was noted that the discussion of this item took approximately 90 minutes, even in the absence of any dissent. It was agreed that a more appropriate method of reaching agreement, on recommendations / decisions, would need to be developed and utilized for future issues which will be more controversial. Dave Ceppos from the Center for Collaborative Policy agreed to come up with a set of alternative approaches for consideration by the group before the next TIC meeting.

B. Request for Interim Approval.

There was a request to have the recommendation adopted before the upcoming irrigation season as a cost-savings to the Coalition members. The concern expressed by Water Board staff regarding this immediate adoption was that it would negate the public process that would be utilized in all other aspects of the TIC rewrite. However, because there did not seem to be any dissent, it was agreed that the idea could be proposed by the Focus Group before the next TIC meeting in March. Stephen Clark agreed to prepare a Problem Statement regarding the matter and the possibility of preparing a special letter by the Executive Officer to adopt this one recommendation could be considered by Water Board staff.

IV. Closing Discussion

Other issues that TIC members discussed included the use of the word 'Source' in the Source Identification subtask. There was a concern regarding sensitivity that it might be interpreted as identifying the one farm field that causes the problem. The opinion was expressed that problems are generally associated with an entire management practice that is not effective at water quality protection and that perhaps a better word than 'Source' should be explored.

There was some discussion that use of the word 'source' of pollution might be inherent in Porter Cologne. Others also felt that Source did not necessarily imply 'one field' at all, but rather was a much more broad term that did not carry any intent of incrimination. However, recommendations for different language to use for this subtask will be entertained.